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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,692

07/22/2003

William Lee Schmidt

4189-PA17

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ROBERT A. PARSONS

4000 N. CENTRAL AVENUE, SUITE 1220

PHOENIX, AZ 85012

EXAMINER

BUI, HUNG S

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/624,692	<b>Applicant(s)</b> SCHMIDT, WILLIAM LEE	
	<b>Examiner</b> HUNG S. BUI	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/22/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath/declaration filed on 07/22/2003 is acceptable.

### ***Information Disclosure Statement***

2. The IDS filed on 07/22/2003 have been considered and made of record.

### ***Drawings***

3. The drawings are objected to because the shaded surface of the figures is unclear. The shaded surface of the figure should be deleted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 5 is objected to because of the following informalities: Claim 5, in line 1, examiner is considered the term **“capable of” as well defined as an intended use limitation**. The claim limitation that employ phrase of the type “capable of” is typical of claim limitation, which may not distinguish over prior art according to the principle. It has been held that the recitation that an element is “capable of” performing a function is not a positive limitation but only requires the ability to so perform, see *In re Venezia*, 189 USPQ 149 (CCPA 1976). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-13 and 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Pang et al. [US 6,851,867].

**Regarding claim 1**, Pang et al. disclose a package (figures 3-6) comprising: an elongated housing (300, figures 3-5); and a handle-based (figures 1-2) delatching mechanism fixedly attached to the elongated housing wherein the handle-based

delatching mechanism includes a slide (120R, figures 3-6) fixedly attached to a handle (112, figure 3, column 7, line 8).

**Regarding claim 2**, Pang et al. disclose wherein the handle is fixedly attached to the elongated housing at a pivot point (106, figures 3-4) for movement between a closed position and an open position.

**Regarding claim 3**, Pang et al. disclose wherein the elongated housing includes a track (310, figures 3-4, column 9, line 12) for receiving and guiding the slide when the handle is moved between the closed position and the open position.

**Regarding claim 4**, Pang et al. disclose wherein a portion (figure 6) of the slide is positioned in abutting engagement with spring fingers (620, figures 6 and 7a-7b) when the handle is in the open position and the elongated housing is positioned within a rack (610, figure 6, column 11, line 15).

**Regarding claim 5**, Pang et al. disclose wherein the slide is capable of being moved along the track wherein a ramp positioned on the slide engages spring fingers in a rack (figures 6, 8-9 and 10a-c and 11a-c).

**Regarding claim 6**, Pang et al. disclose wherein an end of the slide mechanically engages the elongated housing when the handle is moved from the closed position to the open position (figure 6).

**Regarding claim 7**, Pang et al. disclose wherein a portion of the slide disengages spring fingers when the elongated housing is positioned within the rack such that spring fingers fixedly hold the elongated housing in the rack by engaging detents positioned on the elongated housing (figures 10a-c and 11a-c).

**Regarding claim 8**, Pang et al. disclose wherein the elongated housing can be disengaged from a rack when the slide is mechanically engaged against spring fingers included in the rack as the handle is moved from the closed position to the open position (figures 10a-c and 11a-c).

**Regarding claims 9-10**, Pang et al. disclose an optoelectric package (figures 3-6) comprising:

- an elongated housing (300, figures 3-6) with a side and an opposed side (321L, 321R, figure 5);

- a first track positioned on the side of the elongated housing and a second track positioned on the opposed side of the elongated housing (both left and right channel to hole slides 120L and 120R, as shown in figure 5);

- a molded header (308, figures 5-6) mated with the elongated portions of the housing

wherein the header includes a pair of openings designed to receive at least one optoelectronic module (figure 6, column 11, lines 1-6); and

- a handle-based (112, figure 3) delatching mechanism fixedly attached to the header, wherein the handle-based delatching mechanism includes a handle fixedly attached to a side and an opposed side of the header (see figure 3); and

- a first slide and a second slide fixedly attached to the handle, the first slide being positioned within the first track and the second slide being positioned within the second track (120L, 120R, see figures 3-6).

**Regarding claim 11**, Pang et al. disclose wherein the first slide moves along the first track and the second slide moves along the second track when the handle is moved between a closed position and an open position (figure 6).

**Regarding claim 12**, Pang et al. disclose wherein a portion of at least one of the first and second slides is in abutting engagement with spring fingers (620, figures 6, 10a-c and 11a-c) when the handle is in the open position and the elongated housing is positioned within a rack.

**Regarding claim 13**, Pang et al. disclose wherein the first and second slides engage spring fingers in a rack when the handle is moved to the open position (figures 6, 10a-c and 11a-c).

**Regarding claim 15**, Pang et al. disclose wherein the elongated housing can be disengaged from a rack when the first and second slides are cammed against spring fingers included in the rack (figures 6, 10a-c and 11a-c).

**Regarding claim 16**, Pang et al. disclose wherein the first and second slides include a hook (130-132, figures 10a-c) which slidingly engages the elongated housing when the handle is moved from the closed position to the open position.

**Regarding claim 17**, Pang et al. disclose wherein a portion of the first and second slides disengages spring fingers when the elongated housing is positioned within a rack such that spring fingers fixedly hold the elongated housing in the rack by engaging detents positioned on the elongated housing (figures 6, 10a-c and 11a-c).

**Regarding claims 18-23**, The claimed method steps are inherit by the product structures.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bair et al. [US 2004/0124562].

**Regarding claim 14**, Pang et al. disclose the instant claimed invention except for the one of the handle, slide, and elongated housing includes at least one of the metal and a plastic.

Bair et al. disclose an optical component package (figure 1) comprising a elongated housing being formed of a plastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use plastic to make the elongated housing of Pang et al., as suggested by Bair et al., for the purpose of providing weighless and maybe reducing cost manufacturing.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ishigami et al. [US 6,945,809] disclose a package with lock mechanism;



- Handley et al. [US 7,090,527] disclose transceiver delatching mechanism;  
and
- Ho et al. [US 7,040,911] disclose transceiver module with cam-based  
delatching actuator.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gutierrez F. Diego can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hung S. Bui/

Primary Examiner, Art Unit 2841